

**REMARKS**

Claims 1-13 have been canceled without prejudice and with the understanding that Applicants may pursue the canceled subject matter in a continuation application. Claims 14 and 15 have been rewritten in independent format and include all of the limitations of independent claim 9, now canceled, from which they depended. No new matter has been introduced by any of the claim amendments.

***I. ALLOWED CLAIMS***

Process claims 17-23 have been allowed.

***II. ALLOWABLE CLAIMS***

The Examiner objects to compound claims 14 and 15 as being dependent upon a rejected base claim (*i.e.*, claim 9), but indicates that these claims would be allowable if rewritten in independent format, including all of the limitations of the base claim and any intervening claims.

Based upon an initial telephone conversation with Examiner Witherspoon before the issuance of the present office action, the undersigned understood that process claims 17-23 would be allowed, but that compound claims 9-16 were going to be rejected over the below-discussed *Foster* reference. In the present office action, however, claims 14 and 15 are only objected to, and the Examiner states that they would be allowable if rewritten in independent form, including the limitations of the base claim (claim 9). Applicants have therefore amended claims 14 and 15 as suggested by the Examiner. However, if the Examiner determines that this was not his intention, Applicants hereby authorize the cancellation of claims 14 and 15 by Examiner's amendment, so as not to delay the allowance and grant of this application.

***III. REJECTION UNDER 35 U.S.C. § 102(b)***

Claims 9-13 and 16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by J. Organometallic Chemistry (1985), 295(1), pp. 99-108 to Foster *et al.* ("*Foster*").

According to the Examiner, *Foster* anticipates these claims by disclosing bidentate-phosphine stabilized cluster complexes which are comprised of a metal, a phosphine and a phosphinated silica or phosphinated polystyrene-divinylbenzene support.

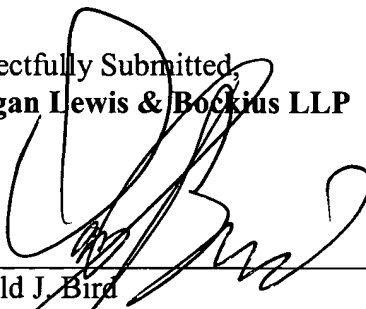
Applicants have canceled claims 9-13 and 16 without prejudice, thereby effectively mooting this ground for rejection.

#### **IV. CONCLUSION**

Upon consideration of the foregoing, it will be recognized that Applicants have fully and appropriately responded to all of the Examiner's rejections. Accordingly, all claims are believed to be in proper form in all respects and a favorable action on the merits is respectfully requested.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**



Date: May 21, 2004  
Morgan Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. No.: 202-739-3000  
DJB:GTL

By:

Donald J. Bird  
Registration No. 25,323  
Tel. No.: (202) 739-5320  
Fax No.: (202) 739-3001